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EXAMINER

THERIAULT, STEVEN B

ART UNIT PAPER NUMBER

2179

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,162

Applicant(s)

BLACK ET AL.

Examiner

Steven B. Theriault

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-24 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-24 and 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed on 07/26/2006.
2. Claims 1-16, 18-24 and 26-31 are pending in the case. Claims 1, 10, 19, and 26 are the independent and amended claims. Claims 17 and 25 have been cancelled.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/26/2006 has been entered.

Claim Rejections - 35 USC § 101

4. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

With regard to **claim 9**, the computer-readable medium thus defined in the specification includes intangible media such as a "**modulated data signal, such as a carrier wave or other transport mechanism**" (See Para 0038-0040) that renders the claim non-statutory subject matter. The USPTO has published a notice setting forth interim guidelines for the examination of patent applications for patent subject matter eligibility under 35 USC 101. See interim Guidelines

Art Unit: 2179

for Examination of Patent Applications for Patent Subject Matter Eligibility, 100 Off Gaz. Pat. Office 142 (Nov 22, 2005) (Interim Guidelines).

The claim recites a computer-readable medium. Applicant's specification, as noted above, sets forth intrinsic evidence that the computer-readable medium is intended to include items, which one of ordinary skill in the art would have recognized as propagation, or transmission media, which is a form of energy. Therefore, consistent with the Interim Guidelines, the claimed subject matter is not currently believed to be limited to that which falls within a statutory category of invention, because it is not limited to a process, machine, manufacture, or composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a device or combination of devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

5. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2179

6. **Claims 1-2, 4-11, 13-16, 18-24, 26-28, 30-31 are rejected under 35 USC 102(e) as being anticipated by Hennum et al. (hereinafter Hennum) U.S. Patent Pub. No. 2002/0054138 issued May 9, 2002 and filed Dec. 4, 2000.**

In the present application specification, the applicant has defined the context sensitive help as generally answering context sensitive questions with respect to the object of interest such as "what is this object", or "why would I use this object" (See specification page 2, Para 1, lines 1-8). The examiner has relied on this definition for the following rejection.

In regard to **Independent claim 1**, Hennum teaches a method for providing context-sensitive help from a first computer to a second computer for a Web-based user interface (UI) of the first computer, the method comprising:

- Receiving a request for context sensitive help at the first computer from the second computer, the request corresponding to a first Web page of a Web-based UI of the first computer, the first Web page comprising a user-interface object, the request for context-sensitive help being based on a "what is the user-interface object?" or a "Why would I use the user-interface object?" question type, the user interface object corresponding to a function of the first computer that is remotely operable by way of the second computer (Hennum Para 0014-0024) Hennum teaches a process of presenting information in a first browser window and upon selection of a link in the first window a request is sent to an web server which returns a web-page to a second browser window that contains context sensitive information. Hennum teaches a process of relating the context information on how to use the application to achieve the desired goal and how to control the feature within the application, which are examples of "why would I use the interface object".

- Responsive to receiving the request for the context sensitive help, the first computer: determining a set of context sensitive information that corresponds to the first Web page; (Hennum Para 0009-0014) Hennum teaches the receiving of context – sensitive information that corresponds to the first web page.
- Generating a second Web page comprising the context sensitive information; and providing the second Web page to the second computer for presentation (Hennum Para 0014-0024) Hennum teaches the web server returns a web page in response to the request from the first page.

With respect to **dependent claim 2**, Hennum teaches a method wherein the first computer is a server appliance (Hennum Para 0005 and 0022) Hennum teaches the receiving computer is a server.

With respect to **dependent claim 4**, Hennum teaches a method before receiving the request, further comprising: communicating, by the first computer, a Web-based UI to the second computer, the first computer being operatively coupled over a network to the second computer, the Web-based UI comprising a first Web page corresponding to one or more predetermined functions of the first computer (Hennum Figures 3d, 4, 6-9c). Hennum shows the presentation of help information in a webpage that is sent from the server to the users machine before the request is made. Once the user makes a request, then a message is sent back to the server to send the context-sensitive information about the selected item to the second web browser.

With respect to **dependent claim 5**, Hennum teaches a method further comprising: responsive to determining the context sensitive help information, retrieving the context sensitive help information from one or more help files (Hennum Para 0014) Hennum teaches the help information is located in one or more files.

With respect to **dependent claim 6**, Hennum teaches a method, before receiving the request, further comprising: communicating, by the first computer, a Web-based UI to the second computer, the first computer being operatively coupled over a network to the second computer, the Web-based UI comprising a first Web page corresponding to one or more predetermined functions of the first computer, the first Web page comprising a unique ID and a persistent help object that is mapped to a URL of the first computer, the URL comprising the unique ID; and wherein determining the context sensitive help information is based on the unique ID (Hennum Para 0015 and 0090) Hennum teaches the URL of the first computer has a topic identifier that is mapped to the display in the second computer and where the URL address points to a location of the information and the context sensitive information is derived from the clicked link as it determined from the topic information.

With respect to **dependent claim 7**, Hennum teaches a method wherein the URL further comprises a reference to one or more computer programs on the first computer; and wherein the operations of determining the context-sensitive help and retrieving the context sensitive help are performed by the one or more computer programs that use a server-side scripting interface (Hennum Para 0022 and 0127) Hennum teaches the use of JavaScript and Perl, which as scripting interfaces, for determining the specific context help to present to the second computer.

With respect to **dependent claim 8**, Hennum teaches a method wherein the URL further comprises a reference to one or more computer programs on the first computer; and wherein the operations of determining the context sensitive help and retrieving the context sensitive help are performed by the one or more computer programs using a server-side scripting interface that generates dynamic content (Hennum Para 0022 and 0127)

With respect to **dependent claim 9**, Hennum teaches a computer readable medium comprising

computer-executable instructions for performing a method as recited in claim 1(Hennum Para 0096).

In regard to **Independent claim 10**, Hennum teaches a computer-readable storage medium comprising one or more program modules for providing context-sensitive help for a Web-based user interface (UI) of a first computer to a second computer, wherein the one or more program modules comprise computer-executable instructions for:

- Receiving a request for a set of context sensitive help corresponding to a Web-based UI of the first computer, the request being received at the first computer, the Web-based UI comprising a user interface object and corresponding to one or more functions of the first computer that are remotely operable by way of the second computer, the Web-based UI being presented on the second computer, the first computer being operatively coupled to the second computer over a network, the context-sensitive help answering a "What is the user-interface object?" or a "Why would I use the user-interface object?" question type; (Hennum Para 0014-0024) Hennum teaches a process of presenting information in a first browser window and upon selection of a link in the first window a request is sent to an web server which returns a web-page to a second browser window that contains context sensitive information. Hennum teaches a process of relating the context information on how to use the application to achieve the desired goal and how to control the feature within the application, which are examples of "why would I use the interface object".
- Responsive to receiving the request, the first computer: generating a second Web page comprising the context-sensitive help; and communicating the second Web page to the second computer for presentation (Hennum Para 0005 and 0014-0024).

With respect to **dependent claim 11**, Hennum teaches a computer readable storage medium, wherein the first computer is a server appliance (Hennum Para 0005 and 0022) Hennum teaches the receiving computer is a server.

With respect to **dependent claim 13**, Hennum teaches a computer-readable storage medium as recited in claim 10, wherein the computer-executable instructions further comprise instructions for: communicating, by the first computer, the Web-based UI to the second computer, the first Web-based UI comprising a persistent object mapped to a set of context-sensitive help that corresponds to the one or more functions (Hennum Figures 3d, 4, 6-9c). Hennum shows the presentation of help information in a webpage that is sent from the server to the users machine before the request is made. Once the user makes a request, then a message is sent back to the server to send the context-sensitive information about the selected item to the second web browser.

With respect to **dependent claim 14**, Hennum teaches a computer-readable storage medium wherein the computer-executable instructions for generating the second Web page further comprise instructions for retrieving the context sensitive help from one or more help files and the computer readable medium for executing instructions (Hennum Para 0014) Hennum teaches the help information is located in one or more files.

With respect to **dependent claim 15**, Hennum teaches a computer-readable storage medium wherein the computer-executable instructions further comprise instructions for: communicating, by the first computer, the first Web-based UI to the second computer, the first Web-based UI comprising a persistent object mapped a set of parameters comprising a set of context-sensitive

Art Unit: 2179

help corresponding to the one or more functions, a URL of the first computer, and a unique ID corresponding to the first Web-based UI; and wherein the computer-executable instructions for receiving the request further comprise instructions for: receiving the request at the URL, the request comprising the unique ID; and wherein the computer-executable instructions for generating the second Web page further comprise instructions for: identifying the context sensitive help based on the unique ID(Hennum Para 0015 and 0090) Hennum teaches the URL of the first computer has a topic identifier that is mapped to the display in the second computer and where the URL address points to a location of the information and the context sensitive information is derived from the clicked link as it determined from the topic information.

With respect to **dependent claims 16**, Hennum teaches a computer-readable storage medium wherein the first Web page further comprises a reference to one or more computer programs on the first computer; and wherein the computer-executable instructions for generating the second Web page further comprises instructions for: generating the second Web page with a server-side scripting interface for generating dynamic content that is identified by the one or more computer programs (Hennum Para 0022 and 0127) Hennum teaches the use of JavaScript and Perl, which as scripting interfaces, for determining the specific context help to present to the second computer.

With respect to **dependent claim 18**, Hennum teaches a computer comprising a processor that is operatively coupled to one or more computer-readable storage media, the processor being configured to execute the computer program instructions (Hennum Para 0003).

In regard to **Independent claim 19**, Hennum teaches a system for providing context-sensitive help for a Web-based user interface (UI), the system comprising:

- A memory comprising a set of computer-executable instructions and a processor coupled to the memory, the processor being configured to execute the computer

executable instructions; (Hennum Para 0003) Hennum teaches a computer system with a processor and memory for executing computer instructions, which is a computer readable medium (Para 0096).

- Communicating the Web based UI to a different system for presentation (Hennum Para 0013). Hennum teaches help is presented on a variety of different applications and the interfaces would contain different information and would be different for each.
- Responsive to receiving a request for context sensitive help, determining a set of context-sensitive help that corresponds to the Web-based UI, the web-based UI comprising a user-interface object, the request for context-sensitive help requesting a "What is the user-interface object?" or a "why would I use the user-interface object?" answer type, the web based UI corresponding to one or more functions of the system that are remotely operable by way of a different system (Hennum Para 0014-0024) Hennum teaches a process of presenting information in a first browser window and upon selection of a link in the first window a request is sent to an web server which returns a web-page to a second browser window that contains context sensitive information. Hennum teaches a process of relating the context information on how to use the application to achieve the desired goal and how to control the feature within the application, which are examples of "why would I use the interface object". Hennum teaches a user receives information in one embodiment for a web application and then a second application (word basic).
- Encapsulating the context sensitive help into a Web page that is compatible with a platform of the different system (Hennum Para 0014-0024).
- Communicating the context-sensitive help embedded in the web page to the different system for presentation (Hennum Para 0014-0024).

With respect to **dependent claim 20**, Hennum teaches a system wherein the Web-based UI further comprises a persistent help object that is programmed, responsive to user selection, to communicate a context-sensitive help request message to the system (Hennum Figures 3d, 4, 6-9c). Hennum shows the presentation of help information in a webpage that is sent from the server to the users machine before the request is made. Once the user makes a request, then a message is sent back to the server to send the context-sensitive information about the selected item to the second web browser.

With respect to **dependent claim 21**, Hennum teaches a system wherein the Web-based UI further comprises a persistent help object that is programmed to send, upon selection, a context-sensitive help request message to a URL that identifies the system ((Hennum Para 0015 and 0090) Hennum teaches the URL of the first computer has a topic identifier that is mapped to the display in the second computer and where the URL address points to a location of the information and the context sensitive information is derived from the clicked link as it determined from the topic information.

With respect to **dependent claim 22**, Hennum teaches a system wherein the Web-based UI further comprises a persistent help object that is programmed, responsive to user selection, to communicate a context-sensitive help request message to the system, the context-sensitive help request message comprising a unique ID corresponding to the Web-based UI, and wherein the computer-executable instructions for determining further comprise instructions for: identifying the context-sensitive help based on the unique ID (Hennum Para 0015 and 0090) Hennum teaches the URL of the first computer has a topic identifier that is mapped to the display in the second computer and where the URL address points to a location of the information and the context sensitive information is derived from the clicked link as it determined from the topic information.

With respect to **dependent claim 23**, Hennum teaches a system wherein the computer-executable instructions for determining further comprise a server-side scripting interface for returning dynamic content to the system and wherein the context-sensitive help is dynamic content (Hennum Para 0022 and 0127) Hennum teaches the use of JavaScript and Perl, which as scripting interfaces, for determining the specific context help to present to the second computer.

With respect to **dependent claim 24**, Hennum teaches a system wherein the server-side scripting interface is selected from a set of scripting interfaces comprising a Common Gateway Interface and/or an Internet Server Application Program Interface (Hennum Para 0022).

In regard to **Independent claim 26**, Hennum teaches a user interface embodied in a computer-readable storage medium for providing context-sensitive help for a remote user interface (UI), the user interface comprising:

- A first area in a web page for displaying, on a first device, a remote UI that corresponds to a second device the remote UI comprising a user-interface object, and corresponding to at least one function of the second device that is remotely operable by way of the first device (Hennum Figure 4 and 9) Hennum teaches a first area in a web page on a client where a function on the server (hyperlink information or applet) is remotely operable by way of the second device.
- A second area within the first area for providing a context-sensitive help control for accessing a set of context sensitive help to answer a "What is the user-interface object?" or a "Why would I use the user-interface object?" question type (Hennum Para 0014-0024) Hennum teaches a process of presenting information in a first browser window and upon selection of a link in the first window a request is sent to an web server which returns a web-page to a second browser window that contains

context sensitive information. Hennum teaches a process of relating the context information on how to use the application to achieve the desired goal and how to control the feature within the application, which are examples of "why would I use the interface object". Hennum teaches a user receives information in one embodiment for a web application and then a second application (word basic).

With respect to **dependent claim 27**, Hennum teaches a user interface wherein the context-sensitive help control is a representation of a question mark (Hennum Figure 4).

With respect to **dependent claim 28**, Hennum teaches a user interface, wherein the context-sensitive help control is mapped to a URL that comprises a unique ID that corresponds to a particular Web page of the Web-based UI, the unique ID referencing the context-sensitive help (Hennum Para 0015 and 0090) Hennum teaches the URL of the first computer has a topic identifier that is mapped to the display in the second computer and where the URL address points to a location of the information and the context sensitive information is derived from the clicked link as it determined from the topic information.

With respect to **dependent claim 30**, Hennum teaches a user interface wherein the second device is a server appliance (Hennum Para 0005 and 0022) Hennum teaches the receiving computer is a server.

With respect to **dependent claim 31**, Hennum teaches a computer comprising a processor that is operatively coupled to a memory comprising computer-executable instructions for displaying a user interface (Hennum Para 0003 and 0096).

Claim Rejections - 35 USC § 103

7. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 3, 12 and 29 are rejected under 35 USC 103(a) as being unpatentable over Hennum et al. (hereinafter Hennum) U.S. Patent Pub. No. 2002/0054138 issued May 9, 2002 and filed Dec. 4, 2000, in view of Sullivan et al (hereinafter Sullivan) U.S. Patent No. 6,615,240 B1 issued Sept. 2, 2003 and filed Dec. 18, 1998.**

With respect to **dependent claims 3, 12 and 29** as indicated in the above discussion, Hennum teaches every element of claims 1, 10, and 26.

Hennum teaches a *method wherein generating the second Web page further comprises:*

generating the second Web page in a format that is compatible with a platform of the second computer (Hennum Para 0014-0024)

Hennum does not expressly teach where the platform comprises a hardware platform, an operating system platform, a Web browser type indication, a software version indication, a

Art Unit: 2179

preferred language indication, an intended use of the second computer, **and/or** predetermined preferences of a user. However, in the same field of endeavor of providing help to a user via a web page, Sullivan teaches a process of generating from a request from a first web page a second web page that is formatted based on the operating system of the computer, the hardware, web browser type and the software version, and intended user of the computer and the language or location of the user on the planet (See Figures 1-12 and column 3, lines 20-67). Hennum and Sullivan both teach mechanisms for retrieving interface information on how to use the interface and information on steps to perform in the interface. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the help system of Hennum with the system of Sullivan for the purposes of generating system information and displaying the information to the user. The motivation to combine Hennum with Sullivan comes from the expressed teaching in Sullivan that self service help applications provide a guided user interaction to the appropriate subset of relevant information for the purposes of performing a function with guidance (See column 1 and 2), which is information and information can be about the system the browser is running in.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

9. Applicant's arguments with respect to claims 1-16, 18-24 and 26-31 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2179

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT



WEILUN LO
SUPERVISORY PATENT EXAMINER